

100102

COMMON PLEAS COURT

BUTLER COUNTY

STATE OF OHIO

- - -

State of Ohio, ex rel. :  
Ned E. Williams, Director :  
of Ohio Environmental :  
Protection and William :  
J. Brown, Attorney General :  
of Ohio, :  
Plaintiffs, :

vs. :

Albert Skinner and :  
Mrs. Albert Skinner, :  
Defendants. :

Case No. CV77-08-0679

- - -

Deposition of John C. Skinner, called by  
the Plaintiffs as if on cross examination under the  
statute, taken before me, Judy E. Love, a Notary  
Public within and for the State of Ohio, at the  
offices of Holbrock, Jonson, Bressler and Houser,  
315 South Monument Street, Hamilton, Ohio, on Tuesday  
May 23, 1978, commencing at approximately 10:30 a.m.  
and concluding on the same day; said deposition  
taken pursuant to the stipulations hereinafter set forth

**HAMMOCK AND PACE**

208 EAST STATE STREET  
COLUMBUS, OHIO 43215  
PHONE 614 / 221-8847

*Chm Deposition in Ltr 11/10/11  
Amy staff pp. 76*

## 1 APPEARANCES:

2 WILLIAM J. BROWN, Attorney General of Ohio,  
3 by COLLEEN K. NISSEL, Assistant Attorney General,  
4 30 East Broad Street, Columbus, Ohio 43215, appearing  
5 on behalf of the Plaintiffs.

6 TIMOTHY R. EVANS, of the firm of Holbrock,  
7 Jonson, Bressler and Houser, 315 South Monument  
8 Avenue, Hamilton, Ohio 45011, appearing on behalf of  
9 the Defendants.

10 - - -

## 11 STIPULATIONS

12 MS. NISSEL: I would like to read a stipulation  
13 into the record agreed to by counsel in this case.

14 It is agreed to by and between counsel for  
15 the respective parties that the deposition of John  
16 Skinner, a witness called for cross examination may  
17 be taken at this time and reduced to writing in  
18 stenography by the Notary, who may thereafter transcribe  
19 the deposition; that proof of the official  
20 character and qualifications of the Notary is hereby  
21 waived; that reasonable and adequate notice was given  
22 to the parties of this deposition; that said transcript  
23 shall be filed with the Court of Common Pleas,  
24 Butler County, Ohio.

25 (Witness sworn.)

1 doubt they was, but the Union Township fire department  
2 was there, yes.

3 Q How close was the fire to the pond of  
4 black oily liquids located at the top of the bank  
5 near the old incinerator?

6 A I don't know nothing about a pond of  
7 oily liquids, but the incinerator, from where it is,  
8 to where the fire was, I would say 400 feet down  
9 over a bank at about 75 foot deeper in depth below.

10 Q Now, Mr. Skinner, you indicated you didn't  
11 know anything about a black oily liquid pond.

12 Are you denying that a pond filled with  
13 black oily liquids existed on the top of that bank?

14 A Well, now, at one time when we ran that  
15 landfill, we had problems of fires, of people setting  
16 it on fire, and although even the stuff that was  
17 hauled in there, wherever they picked it up was hot  
18 and I put a lake in at that spot below the incinerator  
19 and used it for water for pumping fires.

20 I even got the pipe out there and the pump  
21 yet -- well, I got two pumps plus one pump is gone,  
22 a small one, that I pumped water on them fires with  
23 when they would start.

24 Now, there has been some barrels of some  
25 kind of a pigment such as a paint, sign board paint,

1 A Salvage. That is one of them. Sand and  
2 gravel, general contracting.

3 Q What is your business address or business  
4 location?

5 A Well, that is one of them there in town  
6 here. I got some out of town, but I am not  
7 discussing them right at this time.

8 Q Are you responsible for any of the business  
9 activities personally?

10 A Well, it is according to what it is,  
11 what you are referring to.

12 Q Which business activities are you responsible  
13 for?

14 A Well, name them.

15 Q Well, for instance, the sand and gravel  
16 operation.

17 A I am responsible for sand and gravel.

18 Q The salvage operation?

19 A The salvage operation.

20 Q Are you responsible for any business  
21 activities that deal with the deposits of salvage  
22 materials on your property?

23 A Oh, yes.

24 Q Any other disposal of materials on your  
25 property? Are you in charge of those?

1 A Like what?

2 Q Are you responsible for the disposal of  
3 any barrels containing chemical wastes on your  
4 property?

5 A It is according to what dates and so forth  
6 you are talking.

7 Q Just generally, were you the individual  
8 responsible for any of those disposals?

9 A I am going to tell you this way: Up to  
10 certain dates, I was handling some stuff, ~~but~~ you  
11 would have to give me some dates of some years  
12 before I could tell you because the dump has been  
13 closed up -- back when the permit was turned in here  
14 in Butler County.

15 That would have to be looked up as records  
16 and I have ran the dump the last couple years, some  
17 of it, and I do dump my own material in there as  
18 of now like solid wastes from wrecking debris, houses  
19 and that and I am responsible for that, but if you  
20 are talking about barrels of chemicals, you will have  
21 to explain to me what you are talking about.

22 Q Do you spend a great deal of time on your  
23 property at 8740 or 8750 Cincinnati-Dayton Road?

24 A Well, I spend about a third of my time in  
25 there, maybe half of it; sometimes more than others.

1 It is according to what I am doing.

2 Q Were you present on the property on April 18,  
3 1976?

4 A If you could give me a day, I might be  
5 able to tell you.

6 Q That is Easter Sunday, April 18, 1976.

7 A Yes, I was there.

8 Q Did you observe the fire which occurred  
9 ~~in~~ in the creek and over the bank from the incinerator?

10 A Yes, I seen a fire there, but I didn't  
11 know there was no fire until the fire department  
12 came in.

13 Q Did you attempt to put the fire out?

14 A Yes. In fact, I was the one that put it  
15 out except what smoldered for a couple of days and  
16 I put it out.

17 Q What was the material that was burning on  
18 the property?

19 A Well, I can still dig it up. It is a pile  
20 of wood that was dumped there that I was going to  
21 salvage. There was a lot of two by -- three by  
22 nines in it and some six by six timbers and there was  
23 some -- I don't know how many -- maybe 15 or 20  
24 rubber tires. I seen burning when I got up there  
25 and the fire department squirted water on them and

1 got them about 85 percent out and they couldn't do  
2 no good with the wood and I took a bulldozer and  
3 covered it up with dirt.

4 Q Did you or anyone else on the property  
5 set the fire?

6 A No, I don't know how it got started. I  
7 didn't know there was no fire. I happened to be  
8 working down at the entrance of our property --  
9 well, the entrance starts from the road in, but I  
10 was like 800 feet working off the road, working on  
11 a Cummins engine to put it in a truck and here  
12 come the police, sirens and they said, "Hey, there  
13 is a fire in there," and I looked up -- well, you  
14 could see back off a thousand feet, smoke coming up,  
15 and I didn't know what it was.

16 I had a gate up there. I took down the  
17 gate immediately and went up and I started the  
18 bulldozer and had it going before the fire  
19 department even got there.

20 Q Did you call the fire department?

21 A No, never. I don't know who called them.

22 Q Now, did either the Union Township police  
23 or the fire department come to the property during  
24 the fire?

25 A I can't say if the police was there. No

1 doubt they was, but the Union Township fire department  
2 was there, yes.

3 Q How close was the fire to the pond of  
4 black oily liquids located at the top of the bank  
5 near the old incinerator?

6 A I don't know nothing about a pond of  
7 oily liquids, but the incinerator, from where it is,  
8 to where the fire was, I would say 400 feet down  
9 over a bank at about 75 foot deeper in depth below.

10 Q Now, Mr. Skinner, you indicated you didn't  
11 know anything about a black oily liquid pond.

12 Are you denying that a pond filled with  
13 black oily liquids existed on the top of that bank?

14 A Well, now, at one time when we ran that  
15 landfill, we had problems of fires, of people setting  
16 it on fire, and although even the stuff that was  
17 hauled in there, wherever they picked it up was hot  
18 and I put a lake in at that spot below the incinerator  
19 and used it for water for pumping fires.

20 I even got the pipe out there and the pump  
21 yet -- well, I got two pumps plus one pump is gone,  
22 a small one, that I pumped water on them fires with  
23 when they would start.

24 Now, there has been some barrels of some  
25 kind of a pigment such as a paint, sign board paint,



when digested in

9

1 when we -- the last few years we ran the dump, the  
2 last year, that was dumped there by that pond.

3 Q So you are saying that there were some  
4 barrels stacked in and around the pond?

5 A Yes, there were some barrels in and  
6 around the pond, that is, and I took and had a lot  
7 of fruit trees -- I had a job I was doing, was going  
8 to dig up and I was going to plant them there and  
9 I just covered everything up, filled everything up  
10 with a bulldozer and there was no oil, no water or  
11 nothing escaped from where I filled it up and went  
12 into no streams or nothing.

13 *hole - 2 ft* In fact, there was only like on just a  
14 small depth, three, four feet -- well, four feet  
15 would have been the depth if you could have found the  
16 hole to go in, but it would have averaged out at  
17 two foot, 18 inches.

18 Q Could you state again what was located in  
19 that pond?

20 A I couldn't really say what was located in  
21 that pond. I do know them barrels of so-called --  
22 well, sign board paint is what I would call it.

23 I don't know what you would call it, ~~and it was a~~  
24 ~~heavy sludge~~, like when you opened up a can of paint  
25 that is not mixed and the government post engineer

1 ~~from the army depot~~ had put some stuff nearby that  
2 one time was in the line of chemicals. That is when  
3 ~~we was~~ running the landfill.

4 In fact, the County was notified when they  
5 was coming in, the Mayor in Reading and Charlie  
6 Gertz had some stuff that nobody could handle that we  
7 handled one time and the County was notified if  
8 they would let us take it in there which we did  
9 and it has been so long, I don't remember what kind  
10 of liquids was put in there in barrels and tanks.

11 I do know that there was some explosives  
12 that was buried in there from the Government,  
13 some bombs, but the old man that disconnected the  
14 bombs, took the detonators out of them and used the  
15 explosives for oil well work. That is one of our  
16 lines of business out of town.

17 Q Did any of the chemicals or the items that  
18 you have just mentioned that were possibly located  
19 in this pond, did any of those items come from  
20 Chemdyne Corporation?

21 A There is nothing there from Chemdyne  
22 Corporation that I can recall that has ever been put  
23 in that place, that is, only what I have handled like  
24 in working on their trucks. *admission on trucks*

25 Now, I did have some of their trailers

*Chm. Dyne*

1 where I set out -- I think -- I ain't going to say  
2 for sure, but I think I set two loads of barrels off  
3 at one time, one at one time and one at another time  
4 that had to be transferred to another trailer and  
5 the only way I could do it was set them on the ground,  
6 have the other trailer there and put them in  
7 because the springs and axles was all cracked under  
8 the trailer, but there was nothing ever dumped there.

9 Q Did you at one time clean out Chemdyne  
10 tankers or transcontinental tankers?

11 A Yes, at one time, I did clean out a couple  
12 out there and I put the stuff in barrels and put it  
13 in one of their trailers and I hauled it to -- well,  
14 I hauled for them. I hauled different places for  
15 them.

16 Q What do you mean when you say you cleaned  
17 them out? Were they full when they were brought to  
18 you or were they empty with residue?

19 A They was empty with some residue in them.  
20 Like there might be -- there was one I got as much as  
21 12, 14 barrels in them at one time with water and  
22 so forth that I had put in there and added to it to  
23 cut it out and steam, I have used steam on them.

24 Q Do you know what was in the tankers?

25 A No, I didn't know what was in them. The

1 only time they would tell me when they would give  
2 me a certain tanker with numbers on it that there was  
3 acid in and it didn't make any difference what you  
4 used on them, but some chemicals would explode with  
5 water and they would tell me what was in them and I  
6 used whatever was there to clean them.

7 One time, I used chemicals on it to clean  
8 it and that is the one I got about 12, 15 barrels  
9 of stuff out of it and I watched before I steamed  
10 it to keep the stuff from exploding with water.  
11 It probably had some kind of soda in it.

12 Q Did any of the chemicals that you cleaned  
13 out of the trucks have a chemical odor?

14 A Yes, I had some that had an odor to it, yes.

15 Q How would you describe that odor?

16 A Well, you have smelled gasoline before,  
17 haven't you?

18 Q Sure.

19 A Well, it was the same as gasoline, only it  
20 was like a different odor and as soon as -- like a  
21 matter of 10 minutes, it was gone.

22 Q Have you ever heard of this area on the  
23 top of the bank above the creek that <sup>we</sup> they have been  
24 talking about where this pond is, have you ever heard  
25 that area referred to as a lagoon?

1 A A lagoon? I never have.

2 Q Now, this would be maybe somebody else used  
3 the term, perhaps the policemen or the firemen or  
4 maybe someone from Ohio EPA, but have you ever  
5 heard that area referred to as a lagoon by anyone else?

6 A I never have.

7 Q What is your definition of a lagoon?

8 A Well, I have built several lagoons there  
9 within about four miles of the place for up there  
10 at Hauck Subdivision for septic tanks. They are  
11 operating in the area right today. Over on West  
12 Chester Road, there is some which is a steel tank.  
13 These was dirt up there at Hauck Subdivision over at  
14 I think it is; there is several of them of dirt right  
15 in the open, laid out right in the field right on  
16 top of dirt. Today, they can be inspected over  
17 there and they called them lagoons. I built them.  
18 It is not on my property. It is on theirs.

19 Q Would you say that a lagoon and a pond  
20 are similar?

21 A No, these lagoons had stuff the way they was  
22 built was pumped into them and a pond is made where  
23 you can catch water from the rain or springs.

24 Q But if let's say a layman like myself, if  
25 I were to look at one, would I be able to tell the

1 difference between a lagoon and a pond?

2 A You would have to know what you was looking  
3 for to know the difference, I guess. I don't know  
4 what you would explain it as. You would  
5 say a pond and if that is all you have ever seen,  
6 you would say it was a lake or a pond or ocean or  
7 a river.

8 Q What was in the barrels that were located  
9 around the pond at the top of the bank near the  
10 incinerator?

11 A Like I said before, the only thing I knewed  
12 that was in any of them barrels at the last was that  
13 paint sludge, pigment.

14 Q Was there a company name on the barrels  
15 or any identification?

16 A Oh, I couldn't say for sure. There was  
17 when they was brought in there, but at whatever time  
18 you are referring to, I wouldn't know.

19 Q How did they get to your property? How did  
20 ~~the barrels~~ get to your property?

21 A Different people brought them in and dumped  
22 them. It was like waste collectors.

23 Q Were any of them brought by yourself or  
24 any of your family members?

25 A I wouldn't know. They probably wouldn't

1 have been. I ain't saying whether they was or they  
2 wasn't.

3 Q Have you ever been on the Chem-dyne property  
4 in Hamilton, Ohio?

5 A Oh, yes.

6 Q Have you ever smelled chemical odors other  
7 than the time that you indicated in cleaning out the  
8 tankers for Chem-dyne on your property? For instance,  
9 a chemical odor that would be like a paint smell or  
10 a solvent or a thinner or insecticide?

11 A I have used chemicals myself on that  
12 property, that is, working on different stuff that  
13 is down where I work and you open up a barrel of  
14 chemical, you are going to smell it. I have used  
15 caustics, boiler compound and all types of material.

16 Q Now, did you on April 18, the day of the  
17 fire, attempt to bulldoze a path between the fire  
18 and the pond area?

19 A I bulldozed a path that was where some other  
20 lumber was piled in blocks and cribbing that I use  
21 in my work to keep it from catching on fire because  
22 the leaves from the fall of the year to spring like  
23 that was dry right at that time and I didn't want my  
24 cribbing to catch on fire about \$20,000 worth.

25 Q Did you at any time attempt by bulldozing

1 a path between the fire and the pond to prevent the  
2 fire from reaching the pond?

3 A I don't see how a pond would burn -- if I  
4 wanted to put a path between there and that for it, I  
5 would probably cut a slot to let the water run on  
6 the fire.

7 Q Did you speak with Mr. Joe Moore of the  
8 Ohio EPA Southwest District Office on April 21  
9 concerning the disposal of liquid industrial waste  
10 on your property? Do you recall that?

11 A I don't know if I have or not; I have  
12 talked to a lot of EPA guys and I wouldn't know one  
13 name from the other.

14 Q Were you present on April 22, 1976 when  
15 Joe Moore, Elmer Ream, Hugh Davis and Lawrence  
16 Harpold visited your property pursuant to your  
17 mother's permission to do so?

18 A I guess I was there.

19 Q Who was with you at that time?

20 A I wouldn't know right now who was with  
21 me. There was somebody with me maybe. I think the  
22 old man was gone right at that time.

23 Q Could you describe to me how you conducted  
24 the tour of your property?

25 A They wanted to look where that fire was



1 and I took them and showed them where the fire was  
2 and there was -- how many days later was that, the  
3 21?

4 Q Yes, the 18 to the 21.

5 A That was three or four days later. Well,  
6 I took them and showed them where the fire was and  
7 there was a little bit of smoldering yet where I  
8 covered that pile of wood up and the guy by the  
9 name of Moore, he did all the talking and said that  
10 ought to be put out and I said I will put that out  
11 a little better because when I covered it up, it  
12 burned underneath and it caused a spot there and the  
13 dirt caved in and it was coming out of a hole.

14 So I went in there within a couple of hours  
15 and put it completely out, which he came back a few  
16 days later and seen it was out.

17 Q Now, did you discuss with Mr. Moore at any  
18 time the disposal of liquid chemical wastes on your  
19 property during this tour?

20 A He asked me -- I don't know what time --  
21 if I was dumping chemicals there and I told him I  
22 wasn't dumping nothing, only my own stuff if I even  
23 told him that.

24 Q Did you at any time refuse Mr. Moore access  
25 to any area on the property?

1       A       No, I never refused him no access. The only  
2       thing I told him, if he wanted to look further where  
3       the fire was, he would have to wait until the old  
4       man came because the old man was running most of the  
5       place there at the time because I was in and out  
6       of town there quite a bit there at them dates you  
7       are talking about before and I don't know what  
8       the man was doing there because he does a lot of  
9       secret work for the Government that nobody is  
10      supposed to know about and I didn't want him running  
11      all over the place unless the old man is there.

12     Q       What area did he want to see?

13     A       I don't know. He never discussed what  
14      area and he got kind of smart and he said well,  
15      if you don't want me to look at nothing else, I will  
16      just go and I said, it is all right; you look at  
17      anything you want to, but you make an appointment with  
18      Mr. Albert Skinner and I said he would be back there  
19      Wednesday and Mr. Moore came back later with a  
20      warrant and about a dozen bums he had picked up  
21      around town there. They were trying to protect him.

22     Q       Was Mr. Moore walking towards an area  
23      at the time and did he at any time ask to see an  
24      area and was refused to see that area?

25     A       Well, it was just like I told you. I told

1 him if he wanted to see any further than where he  
2 looked, that he would have to come back when Mr.  
3 Skinner was there. I didn't refuse him to look at  
4 nothing; that is, I just told him he would have to  
5 come back at a later date.

6 Q Were you present on the property on April 26,  
7 1976 when Mr. Moore and the Butler County Sheriff  
8 Office served a warrant to any of the property --  
9 it would be around five p.m. on that date?

10 A I wasn't present at the time they come,  
11 but I was present sometime later, say, a half hour,  
12 hour. I don't know.

13 Q Who was with you at that time?

14 A Nobody was with me when I come ther that  
15 is, when I was present because I was by myself, that  
16 is, but Mr. Skinner was there I guess when they come  
17 because when I found them, he was with them.

18 Q Was there anyone else besides your father  
19 and yourself?

20 A I can't say that there was right at that  
21 time. There was some more people on the property  
22 that has got access to it, but I can't say that they  
23 wasn't with me unless my brother was there at the  
24 time, because I can't say he was or he wasn't.

25 Q Could you describe the investigation that

1 took place on April 26?

2 A Well, Mr. Moore, that is when he brought  
3 the Butler County Sheriff. Well, they -- see, I  
4 wasn't there when they first come. Like I say, they  
5 was there an hour probably before I got there,  
6 and from what I could get, they had looked where  
7 the fire was and they drove up into where you are  
8 talking, there is an incinerator and then they was  
9 over on the other hill when I got there.

10 See, I didn't see them when they was up  
11 there by the incinerator at that time. I did  
12 see them up there, but not right then. When I  
13 seen them, they was over on another hill looking  
14 at a lot of barrels of grease I have had there and  
15 oil that I took out of some tanks and they was in  
16 all types and all kinds of barrels and they could  
17 have said anything.

18 Some of them barrels had all different  
19 kinds of signs on them. I had picked them up all  
20 over to get them. In fact, I had got some of the  
21 barrels from Chem-dyne to put this oil and grease in  
22 and I used that oil. I sent it out of town on one  
23 of my pieces of property and there may have been at  
24 the time he was looking there a lot of them barrels  
25 that I had maybe took out of one of the Chem-dyne

my new oil barrel  
marked "Chem-dyne"  
on side

1 trucks to be put in another trailer because right  
2 in that time there, I had put barrels that I had took  
3 out of one of Chem-dyne's trailers and I was -- I  
4 had several tankers on the place right there where  
5 he was of Chem-dyne's that I was putting gaskets,  
6 valves, lights, mud flaps, tires, just giving them  
7 a complete going over and there wasn't none there to  
8 be cleaned out though, just valves and stuff to be  
9 put in them where they was leaking and so forth  
10 and they had plugs. in them.

11 Q Can you recall what was said during the  
12 investigation?

13 A Well, there wasn't too much of anything  
14 said, only they asked what was in the barrels and  
15 I told them it was none of their business what was  
16 in them barrels of grease, that that was stuff un --  
17 nothing to do with what they was looking for, that  
18 is, what they said they was looking for.

19 Q Did the investigation go to the pond area?

20 A They went over where the pond was while I  
21 was there, yes. He, Mr. Moore, jumped a fence like  
22 a bull was after him and he ran through a field like  
23 he was looking for a lost treasure and he found  
24 a pond which is out there right now of lime which  
25 comes out of the Glendale Waterworks that I clean th

1 waterworks out and that is used to purify water with  
2 and he took -- I would say he had a camera with him.

3 He took several pictures of it in different  
4 spots and I had been bulldozing on that property,  
5 leveling it up to like I told you, plant fruit trees.

6 Q The area that you bulldozed was the area  
7 where the -- above the fire at the top of the bank  
8 and near the incinerator, is that right?

9 / A That is right. That was a long ways from  
10 where the fire was, but I had been bulldozing before  
11 the fire, several weeks before that, too.

12 Q What was the purpose for your grading or  
13 excavating of this area?

14 A Well, I had a job where there was a lot  
15 of fruit grees I was clearing and I was going to dig  
16 them fruit trees up and plant them on that property.  
17 Where that garbage has been buried, that is an awful  
18 good place to plant those fruit trees.

19 Q Now, have you planted those fruit trees?

20 A Well, if you keep on, if you ask me that a  
21 little later, I can explain that to you, but they  
22 came in, the EPA did, and dug a big trench and messed  
23 it up where I couldn't plant them trees there and I  
24 couldn't plant the trees there. I sold them.

25 Q Why did you buy the barrels and cover this --

1 strike that question.

2 In this area that you graded and excavated,  
3 why did you bury a number of barrels in this area?

4 A Well, that was then barrels of pigment that  
5 was put in there under permit when I was running the  
6 landfill there I didn't see why I couldn't bury  
7 them.

8 Q Now, did you actually do this grading  
9 yourself?

10 A I done most of it myself.

11 Q At the time you were doing the grading,  
12 were there any chemical odors that you noticed?

13 A Well, when you dig into a landfill where you  
14 have dumped paper, garbage such as household stuff  
15 like was put in there, you get an odor out of it,  
16 yes, and it goes out in the air. You could maybe  
17 smell it as much as a mile away for certain wastes as  
18 the wind blows I would say, but it would stop in a  
19 matter of 20 minutes after you quit moving it,  
20 stirring it.

21 Q Now, did anyone help you do the grading  
22 or excavating yourself?

23 A Well, I had several bulldozers there  
24 grading.

25 Q Who else?

1 A Well, I don't know what operators or what  
2 was there at the time with me grading. Well, I got  
3 a lot of bulldozers.

4 Q Did you use all of your own bulldozers  
5 to do this?

6 A I would say I did probably unless I had one  
7 there that somebody was working on it or what and  
8 tried it out.

9 Q Who do you normally hire to operate these  
10 bulldozers besides yourself?

11 A I got different men I hired out of the  
12 union hall and so forth. There are other operators.

13 Q Do you recall the names?

14 A Well, I operate under different names and  
15 leave some of the other company hire the operators  
16 on account of tax brackets, too.

17 Q But you don't recall specifically the  
18 names of any of the people?

19 A No, I don't. I wasn't there all the time  
20 the bulldozers -- I had my brother because I was  
21 working on another job where I was going to dig these  
22 fruit trees up and plant them at that time.

23 Q Did you only use bulldozers? Is that the  
24 type of equipment you used or did you use something  
25 larger than that or smaller?



1 A I won't say I did use anything larger of a  
2 bulldozer. I don't see what I needed it for. I was  
3 just leveling up.

4 Q Were you present on May 4, that is a  
5 Tuesday, 1976, when representatives of Ohio EPA,  
6 Butler County Sheriff's Department entered your  
7 premises with a search warrant and digging equipment?

8 A I was there, yes.

9 Q Did you attempt to block the search by  
10 placing a bulldozer diagonally across the roadway  
11 on the way to this pond area?

12 A Well, we went through that, too, all right?  
13 I had a bulldozer there that I was going to bring  
14 down for repair and something went wrong in the  
15 transmission of it and it locked up.

16 Q Could you explain why it was diagonally  
17 across the road?

18 A It wasn't diagonally across the road. It  
19 was traveling parallel like you would drive down the  
20 road and when it locked up, it kind of throwed sort  
21 of a foot one way or the other, but there wasn't  
22 nothing sideways. You couldn't get around it.

23 Q It was blocking the roadway to some extent?

24 A They wanted to move it and I told them to  
25 go ahead and move it if they wanted to move it, but

1 they would be responsible for all the damages that  
2 was done to it other than what was wrong with it,  
3 which I have fixed it.

4 Q Now, did you tell representatives of the  
5 EPA that nerve gas, flame throwers, phosphorus,  
6 mustard gas, explosives and other incendiary bombs  
7 was buried in the area where Ohio EPA intended to  
8 dig?

9 A I told them they was buried in there, yes,  
10 but some of them flame throwers, phosphorus and gases  
11 come from -- well, Mayor Gertz knows where they come  
12 from in Reading, but ~~now a lot of that stuff came~~  
13 ~~from the post engineer there at the army depot.~~  
14 There was a guy by the name of Bud Wall and McNanara  
15 that brought stuff in. They are both dead now and  
16 you would have to check with the County there; there  
17 was stuff and they would call and bring it to me and  
18 I ~~know~~ know everything they brought in there.

19 Q Now, is the area where these items were  
20 supposedly buried the same area as the pond area  
21 that we have been discussing that is adjacent to the  
22 incinerator?

23 A They was fairly close.

24 Q Now, were you responsible for explosions  
25 which occurred on your property over the weekend of

1 May 8, 1976 and May 9 and 10, 1976?

2 A What now?

3 Q Were you responsible for several explosions  
4 which occurred on your property over the weekend  
5 of May 8, 9, and 10?

6 A 19 -- what?

7 Q 1976.

8 A You are -- I am unknownst to what you are  
9 talking about there.

10 Q Were you present on the property on May 11  
11 in the morning when the Army, Ohio EPA, Sheriff  
12 and other individuals entered the property under a  
13 search warrant?

14 A I was there, yes.

15 Q Could you describe the area where the  
16 group proceeded to in order to start digging?

17 A Do what now?

18 Q Describe the area where this group of  
19 individuals went to to begin their digging.

20 A Well, there is an incinerator there and they  
21 dug approximately 200 feet from the incinerator  
22 kind of southeast.

23 Q Did you indicate to Mr. Moore at that time  
24 that he had found the center of the pond?

25 A Well, he asked me where the center of it was

1 and measured it out himself and I said that by looking  
2 at it at this time, I would say that is the center of  
3 it.

4 I couldn't judge it any better than he  
5 could, I mean, at that time, only that I was familiar  
6 with it, which he had the center of it I would say.  
7 Well, it could have been two feet off. So what?

8 Q Were you present on the property on  
9 July 22, 1977 when a major fire occurred on the site?

10 A Say that date again.

11 Q That would be July 22, 1977.

12 A That is at a later date.

13 Q Yes, this would be a year ago this summer.

14 A No, I am not -- I heard there was a fire  
15 on the railroad at that time close to our place,  
16 but I wasn't home that day. I don't know nothing  
17 about it because Mr. Moore had come down there; it  
18 was a couple of days later from that date you are  
19 talking about and that is when I heard about the  
20 fire, but I didn't know -- I don't know nothing  
21 about it. I don't know where it was.

22 Q You can't say where it was burning?

23 A I can't say if it was on my place, over  
24 there, or where.

25 Q Were you present on July 25, 1977 when

1       representatives of Ohio EPA entered your property in  
2       order to take samples of the pond area?

3       A           I imagine I was.

4       Q           Were you present on August 18, 1977 when  
5       officials of Ohio EPA again entered your property  
6       for additional samples?

7       A           Yes.

8       Q           Have you graded or excavated or disturbed  
9       the pond area since May, 1976 when Ohio EPA dug for  
10      samples?

11      A           I ain't done a thing to the pond area since  
12      the EPA had dug for samples outside of push some  
13      stuff up at the far end against it, filling in a little  
14      more, but not close to where they dug or nothing.  
15      Nothing has been disturbed of any part of it where  
16      they have worked or dug.

17      Q           Did you or your father hire H. C. Nutting  
18      Company to take core samples of the pond area?

19      A           I don't know who hired H. C. Nutting /  
20      to take core samples.

21      Q           Were you aware that H. C. Nutting did  
22      take core samples?

23      A           I was there when they come. They asked  
24      me where the spot was they was to bore and I took  
25      them and showed them and they had a hundred and some

1 feet from the center out they was supposed to  
2 measure and they wanted to know where the center of  
3 the place was and I took them up there and I said  
4 right here is where Mr. Moore and me had picked  
5 that time and just take this in here and go from  
6 there out and they bored I don't know how many holes,  
7 what boring, and I left. I left it up to them.

8 Q Have you ever seen the results of the  
9 samples that they took?

10 ✓ A I never did, no.

11 Q Do you know how deep they bored?

12 A I don't know how deep they bored.

13 Q Do you know if in fact they found a clay  
14 liner in that area?

15 ✓ A I don't know what they found. I have never  
16 seen the samples. In fact, I don't know who has  
17 seen them. I don't know who sent the bill, who to,  
18 or who paid for it or nothing.

19 Q Do you happen to know the water table, the  
20 level of the water table in the area near the pond?

21 A By talking to the water table, now --

22 Q Would you like me to describe a little  
23 better what I mean by water table?

24 A Yes, I am familiar with water tables, but  
25 I want to know what you mean by water table.

1 Q It would be the subsurface water like in the  
2 creek. Not the creek water.

3 A Lower yet?

4 Q I have no idea what the level would be,  
5 but it would be the subsurface water from which well  
6 water is tapped into, et cetera?

7 A Oh, yes. I got that.

8 Q Do you happen to know the water table  
9 level of the pond area?

10 A I pretty well do know the water table  
11 level, but the first thing I would have to do -- I  
12 am taking off the top of my head -- but it would be  
13 to the original ground level there; it would be from  
14 the pond where you are talking about, it would be  
15 50 foot to the level of the ground surface.

16 Then the water table would be like 15 to 20  
17 feet from there down. Now, it could be as much as  
18 five feet, too. I can take you out there and show  
19 you wells that we drink out of at certain times of  
20 the year that is only five feet deep at the original  
21 ground surface, but this is what you are talking  
22 about is up on a hill which is say 50 feet higher up  
23 in height.

24 Q What do you mean when you say original  
25 ground surface? Has this area been built up?

Q So when you say original ground surface, you mean at the bottom of the hill?

A Yes. So you are talking five feet from the bottom of the hill. In fact, you are talking the water level, the water level is higher than the creek which you can see for yourself if you was there.

2 Now, regarding the pond area, have you at any time put any kind of, for the sake of simplicity, black oozy material in that pond area?

A. There was at the last year, the last three months we run that landfill out there, to my knowledge, there was some creosote put in there, dumped out, which would go to the bottom of the water. It is heavier than water -- anyhow, it sinks, if it is heavier than water or what, but to my knowledge, there was several ~~thousand~~ ~~gallons~~ of

Q           What about recently? What about 1976?

Was there any chemicals, liquid chemicals or liquid black ooze, oil, any kind of liquidy or semi-liquid substance that was placed in there?

A. There was nothing placed in there to my knowledge. If it was, it was put in there unbeknowns



1 to me. Now, I filled the hole up when I pushed it  
2 over, and like you say, there was some barrels of  
3 that pigment there and when I started pushing, I  
4 just covered it all up there, and some of them  
5 barrels was so rusty, they would just fall apart  
6 when you would hit them.

7 Q Now, did anybody who helped you grade this  
8 area or push the dirt over it, did anybody get sick  
9 from the smell? .

10 A I don't know whether they got sick.

11 Q Was there a smell or an odor during the  
12 time that you were grading over?

13 A There was no odor there, no smell, only  
14 like I told you, like when I went to pushing, there  
15 was some high spots of that landfill material there  
16 and I went to pushing them off and it was sort of  
17 like a fermenting smell off of that paper that  
18 come off and you could maybe like I said, smell it  
19 a mile away, but it would go away as soon as you  
20 stopped pushing.

21 As soon as the sun hit it, it was gone, but  
22 I covered it up with dirt when I got it level there  
23 to stop it, which we covered the dirt when we ran  
24 the landfill every -- well, we didn't cover every day  
25

nothing more on all the time, but we

1 kept putting dirt because I found out lat  
2 from experience, the more dirt I would put  
3 the less fires, because if it caught fire, I  
4 only go to where the dirt was and I didn't ha  
5 worry about all of it going.

6 Q Now, did Mr. Kovacs from Chem-dyne Corp  
7 ever come to your property and accompany you on a  
8 of the investigations conducted by Ohio EPA?

9 A Well, he came to me and Bruce Winton --  
10 see, I worked for them, and they said that there was  
11 engineers and if I was having any problem, that they  
12 could maybe help me solve them, like they could draw  
13 up different plans and so forth what could be done  
14 and I told them I didn't think I needed no engineer's  
15 plans drawn up at that time of what could be done,  
16 and then they looked at it and being as I was working  
17 for them, they walked around over the area and they  
18 drew some kind of a sketch and said that they  
19 could draw up a plan to solve the problem, if there  
20 was any problem.

21 Q What kind of problem were they thinking  
22 you had? A problem with the pond you mean?

23 A No, they said that they had worked in some  
24 landfills where there was stuff leaking out of them  
25 that was getting in the water and they had ways of

1 building ponds around it and catching it with a  
2 design. I told them I wasn't having no problem.

3 Q Was Mr. Kovacs or Mr. Winton there when  
4 Ohio EPA investigated your property on the four or  
5 five occasions that Ohio EPA did come on your  
6 property?

7 A Well, I think Winton was there. I wouldn't  
8 say for sure when Ohio EPA dug, but Bill Kovacs might  
9 have been there at one time or the other when they  
10 had been there, but I think EPA notified them or  
11 something from what, something Bill said or what,  
12 so much took place when he come out there. He said  
13 that the EPA called him and tried to tell him that  
14 his chemicals was out there.

15 Well, yes, his chemicals was out there in  
16 some of those trailers and that that I was working  
17 on, but I guess maybe he had a right to be out there.  
18 I said that is the reason, too. He would bring me  
19 over gaskets all the time, too, and bolts and valves  
20 and all different kinds of working hardware and he  
21 would send some of his men that worked for him out  
22 there.

23 Q Were you present when Mr. Ken Hirsch took  
24 samples after they started digging on May 11? Were you  
25 present then?

1 A Was I digging?

2 Q This was the time they are digging.

3 A I was present all the time they was there.

4 Q Now, was it, the samples that Mr. Hirsch took  
5 of the black ooze, was that the creosote that you had  
6 dumped in there?

7 A Well, I don't know what that black stuff  
8 was he got out of there. It was something that was  
9 put in there when we was running the landfill is all  
10 I can say. I never paid too much attention to what  
11 he got out of there.

12 I know he took some samples of that pigment  
13 out of them barrels that I said that they are sign  
14 board paint. That is what I would call it. It could  
15 be something else, but it was for that purpose, I  
16 think, whatever it was.

17 MS. NISSEL: We have no further questions  
18 right now.

19 MR. EVANS: We want to read the deposition.

20 (Deposition concluded at 11:30 a.m.)

21

- - -

22

23

John C. Skinner

24

State of Ohio, :

25

County of Butler, :

SS:

1 I certify that the deposition was signed  
2 in my presence by John C. Skinner on the \_\_\_\_ day  
3 of \_\_\_\_, 1978.

4 IN WITNESS WHEREOF, I have hereunto set  
5 my hand and affixed my seal of office at \_\_\_\_,  
6 Ohio, this \_\_\_\_ day of \_\_\_\_, 1978.

7  
8 \_\_\_\_\_  
9 Notary Public  
10 State of Ohio

11 My Commission expires \_\_\_\_, 19\_\_.

12 - - -  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

- - -

The State of Ohio,                   :  
  :  
County of Franklin,                :

SS:


I, Judy E. Love, a Notary Public within  
and for the State of Ohio, do hereby certify that,  
before the giving of his said deposition, the said  
John C. Skinner was first duly sworn by me to tell the  
truth, the whole truth, and nothing but the truth;

That said deposition was taken in all  
respects pursuant to the stipulations of counsel  
heretofore set forth;

That the foregoing is the deposition given  
at the said time and place by the said John C. Skinner;

That I am not an attorney for or relative  
of either party and have no interest whatsoever in the  
event of this litigation.

IN WITNESS WHEREOF, I have hereunto set my  
hand and official seal of office at Columbus, Ohio,  
this 26th day of May, 1978.

  
Judy E. Love  
Notary Public  
State of Ohio

My Commission expires March 31, 1983.

- - -